UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,301	10/11/2001	Steve Grove	2043.053US1	1851

49845   7590   03/17/2008
SCHWEGMAN, LUNDBERG & WOESSNER/EBAY
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

NOTIFICATION DATE	DELIVERY MODE
03/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@SLWIP.COM

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _13 December 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1, 2, 4 – 14, 16 – 24, 26 – 35 and 37 – 48_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1, 2, 4 – 14, 16 – 24, 26 – 35 and 37 – 48_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _08/27/2007_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 2, 4 – 14, 16 – 24, 26 – 35 and 37 – 48 are presented for examination.

Claim Objections

2.   Claims 4, 8, 15, 19, 26, 30, 37 and 41 are objected to because of the following

informalities: They all depend on claims that have been recently canceled and are therefore

improperly dependent. It will be assumed that the above objected claims depend on the

independent claims in their group, i.e., claims 4 and 8 depend on claim 1, claims 15 and 19

depend on claim 12, claims 26 and 30 depend on claim 23, and claims 37 and 41 depend on

claim 34. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1, 4, 5, 9 – 12, 15, 16, 20 – 23, 26, 27, 31 – 34, 37, 38 and 42 – 45 are rejected**

under 35 U.S.C. 103(a) as being unpatentable over Flanagan et al. (5966685) (hereinafter

Flanagan) in view of Gastaldo et al. (6473729), (hereinafter Gastaldo).

5.   Referencing claim 1, as closely interpreted by the Examiner, Flanagan teaches a method

to facilitate translation of communications between entities over a network, said method

comprising:

6.   retrieving entity information relating to a second entity based on an identifier of said

second entity selected by said first entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36);

7.   identifying a translated language construct corresponding to said selected language

construct, said identifying based on entity information relating to the second entity and said

selected language construct, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36); and

8.   communicating said translated language construct to said second entity as a second

transmission over said network, said translated language construct is a translation of said

predetermined question that is identified responsive to receipt of said selection by said first

entity, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36, Translating the question "What?" or

"Who"). Although, Flanagan could teach one word questions or phrases, multiword phrases are

not specifically stated as being predetermined.

9.   Flanagan does not specifically teach communicating a plurality of predetermined

language constructs to a first entity;

10.   responsive to receipt of a selection by said first entity of a language construct of said

plurality of predetermined language constructs;

11.   said selected language construct is predetermined setup that is requested by said first

entity.

12.   Gastaldo teaches teach communicating a plurality of predetermined language constructs

to a first entity, (e.g., Figures 5 – 7 and supporting text);

13.   responsive to receipt of a selection by said first entity of a language construct of said

plurality of predetermined language constructs, (e.g., Figures 5 – 7 and supporting text);

14.   said selected language construct is predetermined setup that is requested by said first

entity, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine Gastaldo with Flanagan because

utilizing predetermined phrases in a database situation could aid in a faster translation since no

real "translation" is occurring, i.e. verbs, nouns and other grammatical instances do not need to

be considered all that is needed is the relational IDs between the two fields.

15.   Although Flanagan and Gastaldo do not explicitly teach the use of a question, it is well

known in the art and would be obvious to one of ordinary skill in the art that the claimed

invention is only linking fields in a database and it would make no difference if what was being

"translated" was a question or a statement.

16.   As to claim 4, as closely interpreted by the Examiner, Flanagan teaches said entity

information further comprises a language preference of said second entity, (e.g. col. 4, lines 21 –

37 & col. 5, line 45 – 36).

17.   Referencing claim 5, as closely interpreted by the Examiner, Flanagan teaches said

predetermined setup is requested by said first entity in an electronic commerce transaction over

said network, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36). Although Flanagan and Gastaldo

do not explicitly teach the use of a question, it is well known in the art and would be obvious to

one of ordinary skill in the art that the claimed invention is only linking fields in a database and

it would make no difference if what was being "translated" was a question or a statement.

18.   Referencing claim 9, as closely interpreted by the Examiner, Flanagan teaches said

translated language construct is generated and stored, and said correspondence to said selected

language construct is defined, prior to communication of said plurality of language constructs to

said first entity as said first transmission, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

19.   Referencing claim 10, as closely interpreted by the Examiner, Flanagan teaches a

network-based transaction facility, (e.g. col. 4, lines 21 – 37 & col. 5, line 45 – 36).

20.   Flanagan does not specifically teach storing said plurality of predetermined language

constructs and an associated plurality of translated language constructs so as to define a

correspondence between each language construct of said plurality of predetermined language

constructs and at least one associated translated language construct of said plurality of translated

language constructs. Gastaldo teaches storing said plurality of predetermined language constructs

and an associated plurality of translated language constructs so as to define a correspondence

between each language construct of said plurality of predetermined language constructs and at

least one associated translated language construct of said plurality of translated language

constructs, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine Gastaldo with Flanagan

because of similar reasons stated above.

21.   Referencing claim 11, as closely interpreted by the Examiner, Flanagan does not

specifically teach teaches said storing is so as to define a correspondence between a set of said

plurality of translated language constructs, each translated language construct of said set

comprising a predetermined translation of a common underlying language construct.

22.   Gastaldo teaches said storing is so as to define a correspondence between a set of said

plurality of translated language constructs, each translated language construct of said set

comprising a predetermined translation of a common underlying language construct, (e.g.,

Figures 5 – 7 and supporting text). It would have been obvious to one of ordinary skill in the art

at the time the invention was made to combine Gastaldo with Flanagan because of similar

reasons stated above.

23.   Claims 12, 15, 16, 20 – 23, 26, 27, 31 – 34, 37, 38 and 42 – 45are rejected for similar

reasons stated above.

24.   Claims 2, 6, 7, 13, 17, 18, 24, 28, 29, 35, 39, 40 and 46 – 48 are rejected under 35

U.S.C. 103(a) as being unpatentable over Flanagan and Gastaldo in further view of Scanlan

(6857022).

25.   Referencing claim 2, as closely interpreted by the Examiner, Flanagan and Gastaldo do

not specifically teach communicating a plurality of interactive fields to said second entity in said

second transmission to allow said second entity to interact with at least one interactive field of

said plurality of interactive fields in response to said translated language construct. Scanlan

teaches communicating a plurality of interactive fields to said second entity in said second

transmission to allow said second entity to interact with at least one interactive field of said

plurality of interactive fields in response to said translated language construct, (e.g. col. 3, line 63

– col. 4, line 13). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine Scanlan with the combine inventions of Flanagan and Gastaldo

with because utilizing a drop down menu allows the user to not type information into the system

and possibly mistyping information, causing errors in the system.

26.   Referencing claim 6, as closely interpreted by the Examiner, Flanagan and Gastaldo do

not specifically teach said first transmission is a Hyper Text Markup Language (HT'I'P) message.

Scanlan teaches said first transmission is a Hyper Text Markup Language (HT'I'P) message,

(e.g., col. 1, lines 17 – 38). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Scanlan with the combine inventions of Flanagan and

Gastaldo because it would be obvious that in a communication with a web server that the first

communication would be a type of HTTP message.

27.   As to claim 7, as closely interpreted by the Examiner, Flanagan and Gastaldo do not

specifically teach said second transmission is an electronic mail message. Scanlan teaches said

second transmission is an electronic mail message, (e.g. col. 6, lines 31 – 65). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan

with the combine inventions of Flanagan and Gastaldo because of similar reasons stated above,

also utilizing email gives users the ability to communicate with other users across a network.

28.   As per claim 46, as closely interpreted by the Examiner, Flanagan teaches all that is
similar to claim 46 as taught in claims 1 and 45 above. Furthermore, Scanlan teaches interactive
fields as taught above. Similarly reasons for combining are also found above.

29.   As per claim 47, as closely interpreted by the Examiner, Flanagan does not specifically
teach said plurality of interactive fields includes a first interactive field, wherein said first
interactive field includes a drop down list that contains a second plurality of predetermined
language constructs that respectively translated into a second language based on a language
preference of said second entity.

30.   Gastaldo teaches said plurality of interactive fields includes a first interactive field,
wherein said first interactive field includes a drop down list that contains a second plurality of
predetermined language constructs that respectively translated into a second language based on a
language preference, (e.g., Figures 5 – 7 and supporting text). It would have been obvious to one
of ordinary skill in the art at the time the invention was made to combine Gastaldo with Flanagan
because of similar reasons stated above.

31.   Scanlan teaches of said second entity that will receive the email with the translated
language, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the
art at the time the invention was made to combine Scanlan with the combine inventions of
Flanagan and Gastaldo because of similar reasons stated above.

32.   As per claim 48, as closely interpreted by the Examiner, Flanagan and Gastaldo do not specifically teach receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity. Scanlan teaches receiving a reply message from said second entity that includes a selection of the said second entity from said first interactive field, said selection of the second entity including a response from said second entity to said predetermined question that is asked by said first entity, (e.g. col. 6, lines 31 – 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Scanlan with the combine inventions of Flanagan and Gastaldo because of similar reasons stated above.

33.   Claims 13, 17, 18, 24, 28, 29, 35, 39 and 40 are rejected for similar reasons as stated above.

34.   Claims 8, 19, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flanagan and Gastaldo in view of Christy (6301554).

35.   As to claim 8, as closely interpreted by the Examiner, Flanagan and Gastaldo do not specifically teach said identifier of said second entity is an electronic mail address of said second entity. Christy teaches said identifier of said second entity is an electronic mail address of said second entity, (e.g. col. 2, line 47 – col. 3, line 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Christy with the combine

inventions of Flanagan and Appleby because of similar reasons stated above. Furthermore, in an

email system, in order to send a message, one must have a type of identifier, "an address", or the

email cannot be sent.

36.   Claims 19, 30 and 41 are rejected for similar reasons as stated above.

Response to Arguments

37.   Applicant's arguments filed 12/13/2007 have been fully considered but they are not

persuasive.

38.   **In the Remarks**, Applicant argues in substance that Flanagan does not teach "identifying

of a translated language construct corresponding to said selected language construct... based on

the entity information", and "communicate a plurality of predetermined language constructs to a

first entity". Applicant further states that Gastaldo does not teach "identifying of a translated

language construct corresponding to said selected language construct... based on the entity

information",

39.   As to the first Remark, Gastaldo was utilized in combination with Flanagan to teach,

"identifying of a translated language construct corresponding to said selected language

construct... based on the entity information", and "communicate a plurality of predetermined

language constructs to a first entity", as stated above in the rejection. As seen in Gastaldo,

column 4, lines 47 et seq., a sentence database is utilized to connect common sentences between

different languages. Further support for this can be found in Figures 5 and 7 where there are 2

sentences, one in English and one in French, which would leave one to know that they are the translations of each other to a native language of a user.

40.   It is noted that the invention is nothing more than a relational database that uses pre-entered sentences and links them through index numbers.

41.   Applicant is asked to look into the newly cited but not relied upon references of White, III et al. (6493661) and Herbert III (6018742). These references also utilize this concept and could also be utilized in a 103 rejection.

Conclusion

42.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

43.   a.   White, III et al. U.S. Patent No. 6493661 discloses Reusable multi-language support facility for software.

44.   b.   Herbert, III U.S. Patent No. 6018742 discloses Constructing a bifurcated database of context-dependent and context-independent data items.

45.   c.   Hetherington et al. U.S. Patent No. 6339755 discloses Method, system and data structure for splitting language and locale properties in a data processing system.

46.   d.   Hetherington et al. U.S. Patent No. 6396515 discloses Method, system and computer program product for dynamic language switching in user interface menus, help text, and dialogs.

47.   e.   Schumacher et al. U.S. Patent No. 6349275 discloses Multiple concurrent

language support system for electronic catalogue using a concept based knowledge

representation.

48.   f.   Crovetto et al. U.S. Patent No. 6570791 discloses Visual syntax builder for space

vehicle control.

49.   g.   Bennett U.S. Pub. No. 2006/0200353 discloses Distributed Internet Based Speech

Recognition System With Natural Language Support.

50.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DAVID E. ENGLAND whose telephone number is (571)272-

3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                        David E. England
                                        Examiner
                                        Art Unit 2143

/D. E. E./
Primary Examiner, Art Unit 2143

/Nathan J. Flynn/
Supervisory Patent Examiner, Art Unit 2154